

Senate Bill 349

By: Senators Buckner of the 44th, Jones of the 10th, Butler of the 55th, Tate of the 38th, Stoner of the 6th and others

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 1 of Part 1 of Article 2 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to the State Election Board, so as to increase the number of members of the State Election Board; to provide for qualifications, appointment, vacation of office, and terms of office of such new members; to provide for a quorum; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 1 of Part 1 of Article 2 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to the State Election Board, is amended by revising Code Section 21-2-30, relating to the creation, composition, terms of service, vacancies, quorum, seal, bylaws, and meetings of the State Election Board, as follows:

"21-2-30.

(a) There is created a state board to be known as the State Election Board, to be composed of the Secretary of State, an elector to be elected by a majority vote of the Senate of the General Assembly at its regular session held in each odd-numbered year, an elector to be elected by a majority vote of the House of Representatives of the General Assembly at its regular session held in each odd-numbered year, two members appointed by the justices of the Georgia Supreme Court as provided in subsection (b.1) of this Code section, and a member of each political party to be nominated and appointed in the manner provided in this Code section. No person while a member of the General Assembly shall serve as a member of the board.

(b) A member elected by a house of the General Assembly shall take office on the day following the adjournment of the regular session in which elected and shall serve for a term of two years and until his or her successor is elected and qualified, unless sooner removed. An elected member of the board may be removed at any time by a majority vote of the

house which elected him or her. In the event a vacancy should occur in the office of such a member of the board at a time when the General Assembly is not in session, then the President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the Senate or appointed by the President of the Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the House of Representatives or appointed by the Speaker of the House of Representatives. A member appointed to fill a vacancy may be removed at any time by a majority vote of the house whose presiding officer appointed him or her.

(b.1) The two members selected by the justices of the Georgia Supreme Court shall be legal residents of this state who are registered and eligible to vote in elections for members of the General Assembly and who are not presently serving but who have previously served as a member of a county or joint board of elections or board of elections and registration, a county election supervisor, a probate judge who conducted elections, a member of a county board of registrars, or director or deputy director of the Elections Division of the Office of the Secretary of State. The initial members appointed under this subsection shall be appointed by the justices of the Georgia Supreme Court by June 30, 2010, and shall take office on July 1, 2010, and shall serve until December 31, 2012, and until their respective successors are appointed and qualified, unless sooner removed. Thereafter, successors shall be appointed within the month of December immediately preceding the expiration of the member's term of office and shall take office on January 1 following their appointment and shall serve for a term of two years and until their respective successors are appointed and qualified, unless sooner removed. A member of the board appointed under this subsection may be removed at any time by a majority vote of the justices of the Georgia Supreme Court. In the event a vacancy should occur in the office of such a member of the board appointed under this subsection, the justices of the Georgia Supreme Court shall thereupon appoint a qualified individual to fill the vacancy for the unexpired term of office. A member appointed under this subsection shall not serve as a member of a county or joint board of elections or board of elections and registration, a county election supervisor, a municipal election supervisor, a member of a county board of registrars, or director or deputy director of the Elections Division of the Office of the Secretary of State during his or her term of service on the State Election Board. The term of any person appointed under this subsection who accepts such a position shall be immediately vacated.

(c) Within 30 days after April 3, 1968, the state executive committee of each political party shall nominate a member of its party to serve as a member of the State Election Board and, thereupon, the Governor shall appoint such nominee as a member of the board to serve for a term of two years from the date of the appointment and until his or her successor is

64 elected and qualified, unless sooner removed. Thereafter, such state executive committee
65 shall select a nominee for such office on the board within 30 days after a vacancy occurs
66 in such office and shall also select a nominee at least 30 days prior to the expiration of the
67 term of each incumbent nominated by it; and each such nominee shall be immediately
68 appointed by the Governor as a member of the board to serve for the unexpired term in the
69 case of a vacancy, and for a term of two years in the case of an expired term. Each
70 successor, other than one appointed to serve an unexpired term, shall serve for a term of
71 two years; and the terms shall run consecutively from the date of the initial gubernatorial
72 appointment. No person shall be eligible for nomination by such state executive committee
73 unless he or she is an elector and a member in good standing of the political party of the
74 committee. Such a member shall cease to serve on the board and his or her office shall be
75 abolished if and when his or her political organization shall cease to be a 'political party'
76 as defined in Code Section 21-2-2.

77 (d) The Secretary of State shall be the chairperson of the board. ~~Three~~ Four members of
78 the board shall constitute a quorum, and no vacancy on the board shall impair the right of
79 the quorum to exercise all the powers and perform all the duties of the board. The board
80 shall adopt a seal for its use and bylaws for its own government and procedure.

81 (e) Meetings shall be held whenever necessary for the performance of the duties of the
82 board on call of the chairperson or whenever any two of its members so request. Minutes
83 shall be kept of all meetings of the board and a record kept of the vote of each member on
84 all questions coming before the board. The chairperson shall give to each member of the
85 board prior notice of the time and place of each meeting of the board.

86 (f) If any member of the board, other than the Secretary of State, shall qualify as a
87 candidate for any public office which is to be voted upon in any primary or election
88 regulated by the board, that member's position on the board shall be immediately vacated
89 and such vacancy shall be filled in the manner provided for filling other vacancies on the
90 board."

91 SECTION 2.

92 This Act shall become effective upon its approval by the Governor or upon its becoming law
93 without such approval.

94 SECTION 3.

95 All laws and parts of laws in conflict with this Act are repealed.